

## **REMARKS**

Upon entry of the present Amendment-B, claims 1-20 are pending in the present application, of which claims 1, 7, 8 and 14 are independent. Claims 1, 2, 4-9 and 11-14 have been amended; and new claims 15-20 have been added by the present amendment.

The above-identified Office Action has been reviewed, the applied references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment-B is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant thanks Examiner Swinchart for the helpful and courteous telephonic interviews he conducted with applicant's representative on May 2 and 10, 2006, in conjunction with the present application and the Office Action of March 14, 2006. Following the interview of May 2, 2006, applicant sent an informal draft of proposed amendment to the Examiner via fax on May 3, 2006, and telephoned the Examiner to request review of same. Subsequently, in the interview of May 10, 2006, the Examiner indicated that he had reviewed the draft amendment, and that pending further review, he felt that claim 1 should patentably distinguish over the art, and that claims 7, 8 and 14 may also define over the references of record. Applicant thanks the Examiner for reviewing the draft amendment, and for extending the courtesy in these telephone interviews.

### **Claim Rejections - 35 USC §102**

In the Office Action, the Examiner rejected claims 1-14 under 35 USC §102(b) as being anticipated by Craig et al. (US 5,464,357).

*Applicant's Response:*

As noted above, claims 1, 2, 4-9 and 11-14 have been amended herein. Upon careful consideration and in light of the above amendments, applicant respectfully submits that the rejection is overcome, and that each of claims 1-14 is patentably distinct over the disclosure of Craig et al. for several reasons, including those given below.

For example, Craig et al. disclose a jet pump exhaust system having a vertically oriented muffler 162 including a vertically extended inlet tube 164 connected at lower side of the muffler 162, an expansion chamber 168, a resonator chamber 174, muffler interior space 120 formed therein, a muffler outlet 128 located at a lower side of the muffler 162 and a muffler casing 118.

Further, Craig et al. disclose that in their system, exhaust gas from an engine 12 is introduced into the inlet pipe 164 and the gas exhaust has does not expand until it reaches the expansion chamber 168 located at the top of the muffler interior space 120; at the point of expansion of the gas in the expansion chamber, the exhaust gas is cooled by coolant (water) emitted from a port 136 (which receives water from a suitable water line) prior to contacting the muffler casing 118 thereby keeping the casing 118 from becoming excessively hot; and further, from the expansion chamber 166, the exhaust gas passes/circulates through the resonator chamber 174 via resonator apertures 170 (col.7, line 26 – col. 8, line 23).

Furthermore, Craig et al. disclose that a spray shield 138 is attached to the muffler casing 118 and is disposed in vertically spaced relationship above the expansion chamber outlet 134 to allow free flow of gases, but to prevent the entry of cooling water into the outlet 134 (col. 4, lines 15-19).

However, Craig et al. fail to disclose that each of a front exhaust pipe and a rear pipe is connected to the water muffler at an upper side of the expansion chamber, as required by each of

claims 1 and 7, as amended.

Further, although Craig et al. teach the resonator apertures 170 which establish communication between the expansion chamber 168 and the resonator chamber, they fail to disclose a communication pipe between the resonator chamber and the single expansion chamber, wherein the communication pipe is disposed above a water level normally maintained in the water muffler during operation of the boat, as required by each of claims 4 and 11, as amended. Moreover, in view of the disclosed configuration of the muffler 162 of Craig et al., i.e., inlet and outlet exhaust ports 128, 164 located at lower (bottom) side of the muffler 162, no water level can be maintained in the muffler of Craig et al. during the operation of the boat.

Further, Craig et al. fail to disclose the water-controlling plate disposed above a water level normally maintained in the water muffler, as required by each of claims 5 and 12, because in the system of Craig et al. no water level is/can be maintained during operation of the boat, as discussed above.

Still further, Craig et al. fail to disclose a water-controlling plate having a shape corresponding to substantially one-half of the cross sectional area of the single expansion chamber, as required by claim 7. The spray shield 138 of Craig et al. is located at the upper portion of muffler and has an open C-shaped structure having an opening facing downward portion of the muffler. Therefore, the spray shield is not the water controlling plate, as required by the claimed invention.

Based on the above discussion, applicant respectfully submits that Craig et al. fail to disclose several required features of the claimed invention, and therefore, each of claims 1-14 is patentably distinct over the applied reference.

Moreover, in order to expedite the prosecution of the application, applicant has amended

claims 1, 2, 4-9 and 11-14 to more particularly point out and distinctly claim the subject matter which the applicant regards as his invention.

For all the foregoing reasons, applicant requests reconsideration and withdrawal of the Examiner's rejection of claims 1-14 under 35 USC § 102(b).

#### Other Matters

As stated above, in the interest of expediting prosecution of the application, applicant has amended claims 1, 2, 4-9 and 11-14 by the present amendment.

Claims 1 and 7 have been amended to further and more particularly define the subject matter of the present invention. Particularly, each of claims 1 and 7 has been amended herein to further define that a front exhaust pipe coupled to the engine and connected to said water muffler at an upper side of the expansion chamber; and a rear exhaust pipe opened to outside of the boat and also connected to said water muffler at the upper side of said expansion chamber. Claim 2 has been amended to reflect the antecedent basis now provided in claim 1, and to more distinctly define that said water-controlling plate opened to an inside of said expansion chamber.

Each of claims 4, 5, 11 and 12 has been amended to define that a water level is normally maintained in said water muffler during operation of said boat.

Claim 6 has been amended to define that the front and rear exhaust pipes are coupled to said water muffler on opposite sides of said water-controlling plate in said water muffler.

Claim 8 has been amended to define that one connecting pipe provided with said muffler body which is adapted to connect to an upper side of the single expansion chamber to a front exhaust pipe extending from an engine of the small-sized boat; and another connecting pipe provided with said muffler body which is adapted to connect to the upper side of the single

expansion chamber to a rear exhaust pipe opened to the outside of the boat.

Claim 9 has been amended to depend from claim 8, and to define that the water-controlling plate is oriented substantially vertically.

Claim 13 has been amended to define that the front and rear connecting pipes are coupled to the muffler body at an upper side of said single expansion chamber on opposite sides of said water-controlling plate disposed in said water muffler. Claim 14 has been amended to correct a minor informality.

New dependent claims 15-20 have been added to define additional aspects of the claimed invention. These claims include further limitations to claims 7 and 14, and are believed to be in condition for allowance for the distinctive structure claimed therein. The limitations of these new claims are not taught or suggested by any reference of record.

Paragraph [011] of the specification has been amended to clearly and concisely describing the present invention.

Applicant respectfully submits that the above amendments, including amendments to the specification, and new claims are fully supported by the original disclosure including the drawings, and that no new matter is introduced into the application by the present amendment.

### Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.

Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that he telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,



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